

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ERIC SANTANA,

Plaintiff,

Case No.: 1:21-cv-10520

- against -

STATEMENT OF DAMAGES

NYC MOTORCARS CARS CORPORATION,

and

FAWAD AWAN

Defendants.

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PLAINTIFF'S DAMAGES CALCULATIONS

Minimum Wage, Overtime, and Spread of Hours: (See Exhibit B; Exhibit B(3))

- I. Week 1: 9/19/21 – 9/25/21 (first day September 23, 2021)**
 - a. Thursday – Friday 9 am – 5 pm = 16 hours
 - b. Saturday 9 am – 9 pm = 12 hours
 - i. Total Hours Worked = 28 hours
 - ii. Spread of Hours = 1
- II. Week 2: 9/26/21 – 10/2/21**
 - a. Tuesday – Friday 9 am – 5 pm = 32 hours
 - b. Saturday 9 am – 9 pm = 12 hours
 - i. Total Hours Worked = 44 hours
 - ii. Spread of Hours: = 1
- III. Week 3: 10/3/21 – 10/9/21**
 - a. Sunday 11 am – 6 pm = 7 hours
 - b. Tuesday – Friday 9 am – 5 pm = 32 hours
 - c. Saturday 9 am – 9 pm = 12 hours
 - i. Total Hours Worked = 51 hours
 - ii. Spread of Hours: = 1
- IV. Week 4: 10/10/21 – 10/16/21**
 - a. Tuesday – Friday 9 am – 5 pm = 32 hours
 - b. Saturday 9 am – 9 pm = 12 hours
 - i. Total Hours = 44 hours
 - ii. Spread of Hours: = 1
- V. Week 5: 10/17/21 – 10/23/21**
 - a. Sunday 11 am – 6 pm = 7 hours
 - b. Tuesday – Friday 9 am – 5 pm = 32 hours

- c. Saturday 9 am – 9 pm = 12 hours
 - i. Total Hours Worked = 51 hours
 - ii. Spread of Hours: = 1

VI. Week 6: 10/24/21 – 10/30/21 (last day 10/28/21)

- a. Tuesday – Thursday 9 am – 5 pm = 24 hours
 - i. Total Hours Worked: 24 hours

VII. Minimum Wage, Overtime, and Spread of Hours Damages:

- a. Total Hours Worked: 242
 - i. “straight time” hours: 212
 - ii. “overtime” hours: 30
 - iii. Spread of Hours: 5
- b. Minimum Wage:
 - i. $212 \times \$15.00 = \$3,180$
- c. Overtime:
 - i. $30 \times \$22.50 = \675.00
- d. Spread of Hours: $5 \times \$15.00 = \75.00
- e. Total wages Paid: \$663.60
 - 1. 9/30/21 CashApp Payment: \$ 331.80
 - 2. 10/22/21 CashApp Payment: \$331.80
- f. Liquidated Damages\$3,266.40
- g. Total\$6,532.80

Other Statutory Damages: (See Exhibit B; Exhibit B(1); Exhibit B(2))

I. Failure to Pay Commission Pursuant to N.Y. Lab. Law § 191(c):

- a. Commission Rate: 10%
- b. Sale Price of Car(s): \$20,000
- c. Total Cars Sold: 5
- d. Commission: $\$2,000 \times 5 = \$10,000$
- e. Damages Pursuant to N.Y. Lab. Law § 191-c(3) = \$10,000
- f. Total\$20,000

II. Failure to Provide Employment Notice Pursuant to N.Y. Lab. Law § 195(1):

- a. N.Y. Lab. Law § 198(1-b): \$50 for each workday violation occurred, not to exceed \$5,000.
- b. Total number of workdays: 36
- c. $36 \text{ workdays} \times \$50 = \$1,800$
- d. Total\$1,800

III. Failure to Furnish Written Pay Statement Pursuant to N.Y. Lab. Law § 195(3):

- a. N.Y. Lab. Law § 198(1-d): \$250 for each workday the violation occurred, not to exceed \$5,000.
- b. Total number of workdays: 36
- c. $36 \text{ workdays} \times \$250 = \$9,000$; reduced to \$5,000
- d. Total\$5,000

IV. Retaliation Pursuant to FLSA § and N.Y. Lab. Law § 215:

- a. Employment since termination: Eastchester Chrysler Jeep Dodge (2 weeks).
- b. Amount earned since termination: \$978.00
- c. Amount would have earned per week averaged: \$2,321.66 (total hourly wages &

Exhibit A(5)

	commissions / 6 weeks = \$2,321.66 average per week)	
d.	Lost Wages as a Result of Retaliation \$	\$47,776.86
e.	(\$2,321.66 x 21 weeks - \$978 earned from subsequent employment)	
f.	Liquidated Damages	\$20,000.00
	(47,776.86 reduced pursuant to N.Y. Lab. Law § 215(2)(a))	
g.	Total	\$67,776.86
V.	Reasonable Attorney's Fees: (See Exhibit A; Exhibit A(6))	
a.	Total	\$10,038.00
VI.	Costs and Expenses: (See Exhibit A; Exhibit A(6)(i))	
a.	Postage for pre-litigation settlement demand	\$2.00
b.	Filing fee	\$402.00
c.	Certified Mail for mailing Waiver of Service of Summons	\$13.00
d.	Process Server Fee for Serving Summons and Complaint	\$125.00
e.	Postage for Courtesy Copy of Clerk's Certificate of Default	\$1.16
f.	PACER fees	\$9.90
g.	Postage for Mailing of Motion and accompanying documents to Defendant NYC Motorcars Corporation.....	\$10.54
h.	Total Costs	\$563.60
VII.	Total Damages	\$111,711.26